

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5422 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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Kuverjibhai K Patel

Versus

JOINT SECRETARY

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Appearance:

MR BS Patel for Petitioners

Ms Manisha Lavkumar, AGP for Respondent No. 1, 2

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/07/1999

ORAL JUDGEMENT

Heard Mr BS Patel, learned counsel for the petitioners and Ms Manisha Lavkumar, learned AGP for the respondents.

2. In this petition, the petitioners have challenged the order dated 9.2.1993 passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976 declaring 10,337 sq.mtrs. of the petitioners' holding as excess vacant land and directing

the Competent Authority to proceed further in the matter.

3. While issuing notice on this petition, this Court had passed ad-interim order directing the maintenance of status quo as on 8.6.1993. Thereafter the petition was admitted and the ad-interim relief was confirmed. The proceedings had not even gone upto the stage of Section 10(3) of the Act and, therefore, possession of the land in question is not taken over by the respondents, which fact is not in dispute in view of the instructions contained in the letter No. KS/30SCA/General/99/V-4, dated 23.6.1999 from the Section Officer, Revenue Department, Government of Gujarat to the Government Pleader.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 20, 1999 (M.S. Shah, J.)

sundar/-